

Town of Lamoine, Maine
606 Douglas Hwy.
Lamoine, ME 04605
207-667-2242
e-mail town@lamoine-me.gov,
website www.lamoine-me.gov



Minutes of July 17, 2008

Board Chair Jo Cooper called the meeting to order at 7:01 PM

Present were: Selectmen Richard Fennelly Jr., Brett Jones, S. Josephine Cooper, Chris Tadema-Wielandt, Cynthia Donaldson (arrived 7:04); Administrative Assistant Stu Marckoon, Deputy CEO Michael Jordan, Town Clerk Jennifer Kovacs (arrived 8:00 PM) and Ken Dugas.

Agenda Review – Jo said she would like to take things in a different order to accommodate those that are present for specific matters. The school consolidation and town meeting report would be moved to the middle of the agenda prior to an executive session around 8:00 PM. There was no objection from the board.

Minutes – June 26, 2008 – Stu noted a few, non-substantive corrections were made by Chris. Jo moved to approve the minutes as corrected. Chris 2nd. **Vote in favor was 4-0** (*Donaldson not here yet*).

June 30, 2008 – Jo moved to approve the minutes as presented. Richard 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 1 – Selectmen signed expenditure warrant 1 for \$181,933.59. Stu reported he moved \$110,000 from the investment management account to cover the bills. He noted that social services were included on the budget. Brett asked about the dot.gov registration. Stu said it's an annual fee. He noted that the town's website has generated positive feedback from property buyers.

Cash & Budget Report – Stu noted that not all the bills and receipts from the previous fiscal year have come in yet. He said the auditors were at the town office earlier today for their annual pre-audit field work.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with their review of the checking account reconciliation for June 2008.

Resignation – Jo moved to accept, with deep regret, the resignation of Kathleen DeFusco as assistant town clerk and assistant tax collector. Richard 2nd. **Vote in favor was 5-0; Selectmen signed a letter expressing their sentiments.**

Appointment of Deputy Harbor Master – Jo noted there was only one applicant for the job, Kevin Murphy. Cynthia said she would like to see the job description amended to be gender neutral. Jo moved to appoint Mr. Murphy as the Deputy Harbor Master. Richard 2nd. **Vote in favor was 5-0.**

Bloomfield Park Road Construction Bids – Selectmen opened the bids on the Bloomfield Park Road project as follows:

Bidder Name	Town	Amount*
KJ Dugas	Surry	\$15,160.50
Jay Fowler**	Lamoine	\$10,332.00
Doug Gott & Sons	SW Harbor	\$11,195.00
Harold MacQuinn, Inc.	Hancock	\$11,495.00
John Goodwin Jr.	SW Harbor	\$12,814.00

*Price, including culvert specified at pre-bid meeting

**Awarded pending confirmation price includes culvert.

Stu said he would suggest referring the bids to the Parks Commission. Jo said the project should be done in consultation with the Parks Commission. She said her concern is timeliness. She said the Fowler bid was the first choice in terms of price. She said the board could decide to award the project to Mr. Fowler preliminarily, but she wants to make sure a culvert is included. There was a brief discussion about the culvert's inclusion in the project.

Jo said the Board could decide to award the bid this evening and get the project into the works. Cynthia asked that the board be clear on the precedent that was being set. Richard said as far as he was concerned, the culvert was included in Mr. Fowler's bid. A short discussion followed in regard to the pre-bid meeting and the culvert. Ken Dugas said the bidders were told to list the culvert separately. Cynthia said the board needed to be consistent. Brett said the Board could call Mr. Fowler to clarify.

Richard moved to accept Mr. Fowler's bid as presented. Chris 2nd. A short discussion followed on consistency. **Vote in favor was 3-1 (Jones opposed, Donaldson abstained).**

Selectmen asked Stu to communicate the award to the Parks Commission as soon as possible in case they have any concerns.

Town Office Renovation – Richard said he was unable to find any information about the low bidder – A Randall & Sons. There was a brief discussion about Cadillac Builders. Michael Jordan said the Bangor area businesses are paying lower labor prices and that might be the reason for the lower bid. Brett says he's of the mind of rejecting all the bids and re-looking at the specifications. Jo said she didn't want to spend money that isn't necessary. Cynthia said there has

been a feeling that the Board has not been committed to the entire project. She said the priorities were safety and the floor. Richard said the Board has spent a year on this and it's time to get it done. He noted that the town received 3-bids and one was substantially lower than the other two. He said if the Board can get references, since there will be no impact on property taxes, he would like to proceed. Stu said he would be glad to get references and check the company's work.

Jo moved to direct Stu to get references and to check the work of A Randall & Sons. Richard 2nd. **Vote in favor was 5-0.** The Board instructed Stu to get a commitment on the price, and ask if they're prepared to start tomorrow.

Road Mowing – Jo asked what Stu was suggesting. Stu said he would recommend that bids be solicited on the same RFP as last year and allow the Road Commissioner to award the job. The Board directed Stu to go ahead, provided the bids are within budget and it's OK with the Road Commissioner. The board said if the price is significantly over budget, to consult with them first.

School Consolidation – Cynthia reported that reports of the demise of the Regional Planning Committee (RPC) were premature. She said the RPC met the previous evening (7/16/08). She said she brought in a draft template for consolidation and asked Board members to get comments to the Superintendent's office by next week as the Superintendents of Ellsworth, Union 92, and Union 96 are meeting next Wednesday and Thursday.

The Board gave a quick review to the document. There were questions about a local advisory committee, the weighted voting averages, negotiation tactics. Cynthia reported CSD 8 (Amherst, Aurora, Great Pond and Osborn) were also interested in being part of the Regional School Unit (RSU). There was a discussion about the process. Board members noted that this is a big deal. There was a brief discussion about segregating the Fire Department and the athletic fields, and designating the present school building for educational use only, not for administrative offices.

Cynthia said the process has been discouraging. She said some people have seen the writing on the wall for small schools. Brett asked if that means that small schools would close and big schools would be built. Richard said he got that idea from the letter from Education Commissioner Susan Gendron that rejected the Union 92 Alternative Structure plan. Cynthia said she was upset with that letter because Commissioner Gendron stated that Union 92 had not exercised due diligence in the consolidation process.

Brett noted that with consolidation, the town would have no control over its school other than to get a bill at the end of the month. Richard said the state has said it would fund a significant portion of a new school with a student population greater than 300. He said the State is taking money from smaller coastal schools

with high valuation and low student population to force consolidation. A brief discussion about school consolidation followed.

Special Town Meeting follow up – There was a brief discussion about the actual cost of holding a town meeting and referendum vote. Stu said he'd done some quick calculations about actual and intangible costs and concluded it was about \$1,600 for the process to occur. Brett asked if there was any money set aside for the extra votes. Stu said there was not for the school budget votes, but there was one vote budgeted for consolidation.

Jo noted the turnout for the election held the previous Tuesday (the 15th) and the open town meeting on the 9th. She said the reality is that the turnout is high when there is controversy. She questioned how long the town could sustain that kind of split without it becoming negative. Brett said the town has to have a school budget, and it will have to be presented over and over again until there is a "yes" validation vote. He said he hoped the opponents of the school budget don't think the goal of the school committee is to stick a thumb in their eye.

Richard noted that the "yes" votes dominate the open town meeting and the "no" votes are not present. He said it keeps going back and forth, but the message from voters is that they think the budget is too high.

Jo said she had questions and concerns about a letter with Richard's name and Selectman title on it that was distributed prior to the vote. She said it's costing the town possibly as much as \$1,000 per election. She said there is a lot of energy involved in the referendum and the campaigns. She said she felt the first vote was a sign that people didn't have enough information about what they were voting on. She said that's why the school board went back and drew up a budget with changes.

Richard said he attended the school committee meetings and made some suggestions. Jo said the Budget Committee made some recommendations, and read from the minutes. She asked Richard why he signed a letter which she said blames the school board for the increase in property taxes. She said she was concerned about that. Richard said when he ran for Selectman he made it clear that he would do everything that he reasonably could to reduce the tax burden. He said he had attended the meetings and made what he thought were prudent suggestions such as cutting half a janitor and combining two classes under one teacher. He said he's been very up front about that. He said a large number of people vote with their wallets and they can't afford the proposed tax increase. A brief discussion followed about the letter.

Chris asked Jo if she thought the budget would have passed if Richard had not signed the letter. He asked if the discussion under way was doing the people's business.

Jo said she was surprised by the tone of the letter and the inferences it made. She said the school committee can keep going back. Richard said he disagreed with the assertion that the school committee can't fix the problem. He said it can fix it with pain and making things a bit less comfortable at the school. He said he got many comments that the last budget was business as usual. He said the town's obligation is to educate students, but the school board has no right to demand more money from taxpayers.

Brett said the historical increase in the cost of education does not look unreasonable. Richard said the Board and the School Committee has to hear why people are voting "no". More discussion followed about the letter, and whether a Selectman should influence how people ought to vote. Richard said he has a say over municipal issues and he would not take such a stand on the municipal budget but that he has no influence over the school committee and the school budget. He said there seems to be a feeling that one is a bad person if one does not support the school budget. He said he believes the town will be without a school down the road. He said the State would see to that. There was a brief discussion about tax burden.

Brett said he found the increase in the number of "yes" votes compared to the increase in the number of "no" votes when compared to the May 27, 2008 referendum to be heartening. He said in regard to the amount of money reinstated to the budget during the open town meeting that he didn't see the logic of cutting programs to the bone when it doesn't really help. Richard said the results of the voting show that two-thirds of the voters think the budget is too high. He said the School Committee has to fix that. A brief discussion followed.

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(5)(a) – personnel matter. Richard 2nd. **Vote in favor was 4-0 (Tadema-Wielandt not present).** In at 8:35 PM. Out at 8:50 PM.

Small, Unpaid Tax Amounts Policy – Stu said he drafted up a policy and asked the Board to look it over. He said he'd like to see it worked on for the summer, and have the policy in place by October 31st.

Mileage Rate – Brett asked if the mileage policy was something that was changed numerous times throughout the year. Stu said it's generally once, on July 1st. It was noted the IRS had changed the July 1st rate just after the town policy change had been drafted and sent for a vote. Jo moved to change the travel policy to reflect the change in the IRS amount. Brett 2nd. **Vote in favor was 5-0. Note: the new mileage rate will be 50-cents/mile retroactive to July 1, 2008.**

Contract Reviews - Animal Control Officer – Stu noted that he had just drafted a contract for Mike Arsenault but would like the Selectmen to review it and get changes to him so that he could present a draft to Mr. Arsenault.

Code Enforcement Officer- Several changes were made to the CEO contract, including clarification in the education area and removal of the retirement section. The latest draft was marked up for submission to the CEO.

Lane Contract- Jo moved to sign the contract with Lane Construction for paving. Chris 2nd. **Vote in favor was 5-0, the contract was signed.**

Bangor Hydro Pole Display Permits – There was a discussion about the requirement to carry a \$2-million dollar insurance policy. The Board asked Stu to contact Bangor Hydro for clarification.

Transfer Station – Postings Policy – Brett said there had been a brief run-in at the transfer station between Neil Salisbury and attendant Bill Fennelly. He said Mr. Salisbury apparently tried posting materials on the buildings. Chris noted that Mr. Fennelly is working out very well in the position. The Board asked Stu to draft a policy to create some sort of pre-approval process by the town hall for postings at the transfer station. Stu said he would get that ready for the next meeting.

Freedom of Access Act (FOAA) Training – Selectmen reviewed the frequently asked questions about the FOAA to complete the state mandated training. Each Selectman signed the form indicating they had received adequate training.

Veterans Memorial – Jo noted that not much is happening, though they have raised \$10,000 in donations. She said they're waiting on site work for the concrete base. She said that should happen soon, and it will be helpful to start. There was a brief discussion about the process and the costs. Stu asked about the cedar fences in front of the lawn areas. It was agreed to dispose of the fences since they will no longer serve a purpose.

Other Business – Dangerous Building – Stu suggested referring the matter to the town attorney for follow up. Cynthia noted that the owner (Brian Young) was given a date certain to remove the building. Chris said the fault is partially the CEO's for not inspecting the building sooner. Jo asked that the matter be referred to the town attorney.

Roads – Stu noted that he e-mailed the Maine DOT for some maintenance needs. Jo said someone on Seal Point Road had contacted her about damage to the lawn from plowing. She said she referred the person to the plow contractor.

Heating, Education Assistance- Richard said he wondered if there was some mechanism where people could make a donation to help with heating assistance and get a tax write-off. Jo said there is already such a program through the Washington/Hancock Community Agency. She said she planned to attend a

meeting on July 24th about that program. There was a brief discussion about the economy and the price of fuel and how to donate to such a program. Richard said he wondered if the same could apply to the school for things like sports uniforms. It was noted that the PATRONS group already exists to accept such donations.

Stump Grinding – Chris noted the e-mail included with the packet materials this evening notifying the town that stump grinding at the Gott site would be taking place. Stu said the notification might be part of the permit conditions. There was a brief discussion about the history of the stump grinder project.

Assistant Clerk/Assistant Tax Collector position – The discussion revolved around whether to keep the job as a part time or to fold it into the position with the present Town Clerk/Tax Collector and having that become a full time position. Brett said having two people filling the positions gives the town flexibility. Jo said it would be more costly to have a full time person. There was a discussion about vacations and parity of full time benefits, and whether a substitute would be needed.

Jo moved to keep the job part time with the Clerk/Tax Collector position also being part-time. Richard 2nd. **Vote in favor was 5-0.** Selectmen asked Stu to advertise to replace Kathy DeFusco. Cynthia also said she would like to visit the full-time issue in the fall prior to budget season.

Next Meeting – After checking her schedule, Cynthia said she was not available for the August 14th meeting, but would be available on the 21st. The Board agreed to hold the next meeting on the 21st.

There being no further business, the meeting adjourned at 9:58 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.